

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
TRAN NHAT BAO NGUYEN,
Defendant.

Case No. CR21-138-RSL

ORDER GRANTING
UNOPPOSED MOTION TO
CONTINUE TRIAL AND
PRETRIAL MOTIONS DUE
DATE

This matter comes before the Court on defendant's "Unopposed Motion to Continue Trial and Pretrial Motions Dates." (Dkt. # 19). Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver (Dkt. # 20), the Court finds as follows:

1. The Court adopts the facts set forth in the unopposed motion: in particular, that (a) COVID-19 has caused significant delays in trial preparation, investigation, and interaction with experts, which, in turn, has caused defense counsel to be limited in respect to negotiating a potential resolution with the government, and (b) the defense needs additional time to gather evidence material to a defense or resolution and investigate certain aspects of the case. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

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1 3. The Court finds that the additional time requested between February 28, 2022, and
2 the proposed trial date of September 12, 2022, is a reasonable period of delay. The Court finds
3 that this additional time is necessary to provide defense counsel reasonable time to prepare for
4 trial, as defendant has requested more time to prepare for trial, to continue to investigate the
5 matter, to gather evidence material to the defense, and to consider possible defenses. The
6 additional time requested between the current trial date and the new trial date is necessary to
7 provide counsel for the defendant the reasonable time necessary to prepare for trial, considering
8 all of the facts set forth above.

9 4. The Court further finds that this continuance would serve the ends of justice, and
10 that these factors outweigh the best interests of the public and defendant in a speedier trial,
11 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

12 5. Defendant has signed a waiver indicating that she has been advised of her right to
13 a speedy trial and that, after consulting with counsel, she has knowingly and voluntarily waived
14 that right and consented to the continuation of her trial to a date up to and including September
15 26, 2022, Dkt. # 20, which will permit her trial to start on September 12, 2022.

16 IT IS HEREBY ORDERED that the trial date shall be continued from February 28,
17 2022 to September 12, 2022, and pretrial motions are to be filed no later than August 15,
18 2022;

19 IT IS FURTHER ORDERED that the period of time from the current trial date of
20 February 28, 2022, up to and including the new trial date, shall be excludable time pursuant to
21 the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing
22 and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C.
23 §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

24 DATED this 26th day of January, 2022.

Robert S. Lasnik
Robert S. Lasnik
United States District Judge

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